

James Johnson, Esq. - 09-09-04

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y, By and
Through Her Next Friend,
James D. Johnson, et al.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:04CV25LN

HALEY BARBOUR, As Governor
Of the State of Mississippi;
DONALD TAYLOR, as Executive
Director of the Department of
Human Services; and BILLY MANGOLD,
As Director of the Division of
Children's Services

DEFENDANTS

DEPOSITION OF JAMES D. JOHNSON, ESQ.

Taken at the instance of the Defendant at the
offices of Bradley Arant, LLP, One Jackson Place,
188 E. Capitol Street, Suite 450, Jackson,
Mississippi, on Thursday, September 9, 2004,
beginning at approximately 8:09 a.m.

APPEARANCES:

ERIC E. THOMPSON, ESQ.
SHIRIM NOTHENBERG, ESQ.
Children's Rights, Inc.
404 Park Avenue South
New York, NY 10016

ORIGINAL

COUNSEL FOR PLAINTIFFS

EXHIBIT

P

1 Q. And he could make certain orders?

2 A. Correct.

3 Q. Regarding Olivia?

4 A. If I found out and the judge agreed that
5 it was not in her best interest, he could direct
6 whatever he thinks is in her best interest, correct.

7 Q. And if in the future you find out that
8 Olivia is not getting the medical or therapeutic
9 treatment that you think that she should receive as
10 guardian ad litem, you could go to Judge MacPhail
11 and contest about that; is that correct?

12 A. Yes. Next time we review it, I don't
13 know when it's coming up, that will be looked at and
14 if what he directed to be done has not been done,
15 then he'll ask for an explanation and then we'll go
16 from there.

17 Q. And you don't think the harm that Olivia
18 is allegedly to have occurred has manifested itself?

19 A. Well, because of her age, I'm not a
20 professional in that area, but I wouldn't think it
21 has because of her still gaining weight. And it
22 takes a while, in my understanding, for people in
23 her situation to bounce back and get, you know,
24 maximum medical recovery and all of that.

25 Q. You understand that she was born to a